

No. 3.

PARLIAMENT OF SINT MAARTEN

Draft Motion

The Parliament of Sint Maarten in its meeting of today, December 14th 2016;

Considering:

- That the Law Enforcement Council is (co)funded by the government of St. Maarten;
- That this Council is a necessary player in the system of checks and balances;
- That both solicited and unsolicited investigations by this council have lead to several reports in the area of law enforcement
- That on September 18th 2014, the Minister of Justice of St. Maarten, based on Article 21 of the Kingdom Law regulating the Council on Law Enforcement, requested the Council on Law Enforcement (hereinafter: the Council) to conduct an inspection into how the Public Prosecutor's office (hereinafter: prosecutor's office) in Sint Maarten, generally executes its monopoly to prosecute and how content is given to the related discretionary principle of expediency.

That the Council on the basis of the investigation compiled the report "Selectiviteit in het opsporings en vervolgingsbeleid van het Openbaar Ministerie in Sint Maarten: Een onderzoek naar de invulling van het vervolgingsmonopolie en het opportuniteitsbeginsel.

Based on the results of its investigation, the Council made the following recommendations to the Minister of Justice:

To the Minister of Justice regarding the public prosecutor's office, the National Detectives and the Police Force St. Maarten:

1. Research the specific capabilities within both the country of St. Maarten and in the Kingdom to enhance the effectiveness of law enforcement by the prosecutor's office, the National Detectives and the Police Force of St. Maarten.

To the Minister of Justice regarding the National Detectives:

2. Formulate, according to law, a general political and administrative policy for the National Detectives whereby proper task performance and adequate infrastructure are taken into consideration for an effective administrative support.

3. Implement measures entailing that the National Detectives capacity is in accordance with the staffing plan so that the lack of capacity and expertise is structurally addressed.
 4. Implement measures for the National Detectives own process monitoring system.
 5. Implement the improvement plan of the National Detectives.
- To the Minister of Justice regarding the public prosecutor's office:
6. Encourage that the public prosecutor's office, in accordance with the law, treats a criminal case within a reasonable period of time, and as soon as possible, take a decision to prosecute.
 7. Maintain the course taken towards more proactive communication firmly and formulate additional an explicit communication policy.
 8. Encourage that a personnel policy is developed at the public prosecutor's office, in cooperation with the public prosecutor's office in the Netherlands, which focuses specifically on St. Maarten as well as on the benefits of efficiency, continuity and expertise for the prosecutor's office in St. Maarten.
 9. Modernize the process monitoring system PRIEM .
 10. Encourage that outgoing requests for assistance in law enforcement within the Kingdom meet the applicable requirements.

Resolves:

- To instruct the Minister to within 60 days present to the parliament of St. Maarten a detailed plan of approach with a realistic time line of steps and further necessary activities to accomplish the recommendations in the report: "Selectiviteit in het opsporings en vervolgingsbeleid van het Openbaar Ministerie in Sint Maarten: Een onderzoek naar de invulling van het vervolgingsmonopolie en het opportuniteitsbeginsel" (how the Public Prosecutor's office in Sint Maarten, generally executes its monopoly to prosecute and how content is given to the related discretionary principle of expediency.)

And goes over to the order of the day.



Copies of this motion to be sent to:

The Government of St. Maarten

The Governor of St. Maarten

The Attorney General

The VJO (Justice Ministers of Aruba, Curaçao and the Netherlands)

The Law Enforcement Council





PARLIAMENT OF SINT MAARTEN
Friday, December 16, 2016, Public Meeting no. 7
Voting list

motie no. 3

NO.	NAME	VOOR/FOR	TEGEN/AGAINST
1.	drs. Rodolphe E. Samuel		
2.	<i>Sidharkh M. Bijlani</i>		
3.	<i>Chanel E. Brawnbill</i>		
4.	<i>Clarek M.M. Connor</i>		
5.	<i>Christophe T. Emmmanuel</i>		
6.	<i>Andruell M.R. Irian</i>		
7.	<i>Silveria E. Jacobs</i>		
8.	<i>Emil Lee</i>		
9.	<i>Tamara E. Leonard</i>		
10.	<i>Silvio J. Makser</i>		
11.	<i>William V. Marlin</i>		
12.	<i>Franklin A. Meyers</i>		
13.	<i>Frans G. Richardson</i>		
14.	<i>Sarah A. West-Williams</i>		
15.			

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